

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTHONY MUSTAFA LIFE WILLIAMS, :
Plaintiff, :
: :
v. : : CIVIL ACTION NO. 21-CV-0312
: :
GARY HAMMER, *et al.*, :
Defendants. : :

ORDER

AND NOW, this 14th day of May, 2021, upon consideration of Plaintiff Anthony Mustafa Life Williams's *pro se* Second Amended Complaint (ECF No. 13), it is **ORDERED** that:

1. The Clerk of Court is **DIRECTED** to change the docket to label ECF No. 13 as a "Second Amended Complaint."
2. For the reasons stated in the Court's Memorandum, Williams's claims against Defendant Katherine Kurnas are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
3. For the reasons stated in the Court's Memorandum, Williams's claims against Defendant Northampton County are **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) as follows:
 - a. All claims based on the conduct of Defendants Gary Hammer and Mark Mazzitelli are **DISMISSED WITH PREJUDICE**.
 - b. All claims based on the conduct of Defendant Katherine Kurnas are **DISMISSED WITHOUT PREJUDICE**.

4. The Clerk of Court is **DIRECTED** to send Williams a blank copy of the Court's standard form complaint for prisoners to use to file a complaint bearing the above civil action number.¹

5. Williams is given thirty (30) days to file a third amended complaint in the event he can allege additional facts to state a plausible claim against Northampton County based on the conduct of Katherine Kurnas. Any third amended complaint shall identify **ALL** defendants in the caption of the third amended complaint in addition to identifying them in the body of the third amended complaint, shall state the basis for Williams's claims against each defendant, and shall bear the title "Third Amended Complaint" and the case number 21-312. If Williams files a third amended complaint, his third amended complaint must be a complete document that includes **ALL** of the bases for Williams's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. In other words, Williams must restate the basis for his claims against Defendants Gary Hammer and Mark Mazzitelli, as well as assert any additional claims he seeks to litigate. Claims that are not included in the amended complaint will **NOT** be considered part of this case. When drafting his third amended complaint, Williams should be mindful of the Court's reasons for dismissing his claims against Northampton County based on the conduct of Katherine Kurnas as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

6. If Williams does not file a third amended complaint the Court will direct service of his Second Amended Complaint on Defendants Gary Hammer and Mark Mazzitelli **ONLY** at the expiration of the thirty (30) day period. Williams may also notify the Court that he seeks to

¹ This form is available on the Court's website at <http://www.paed.uscourts.gov/documents/forms/frmc1983f.pdf>.

proceed on these claims rather than file a third amended complaint. If he files such a notice, Williams is reminded to include the case number for this case, 21-312.

7. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date 90 days after the Court issues summonses in this case if summonses are issued.

BY THE COURT:

/s/ Mitchell S. Goldberg

MITCHELL S. GOLDBERG, J.